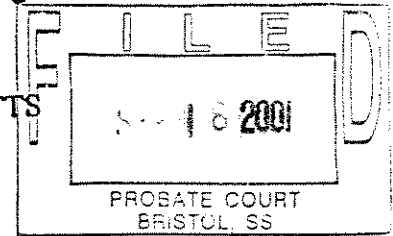


EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, SS

Docket No:



Plaintiff) Heather Kiernan
)
)
)
Defendant) John Kiernan

SWORN AFFIDAVIT

v.

I would like to have custody of my 7mo. old son Matthew. My husband has been abusive to me recently and in the past. I am not aware of my husband and my sons whereabouts right now and am afraid my son is in danger. I feel this is an emergency because I feel my son is in danger with my husband I don't know what he is capable of.

Signed under the pains and penalties of perjury:

Date: 9/18/01

Signature: Heather Kiernan

AFFIDAVIT

Describe in detail the most recent incidents of abuse. The Judge requires as much information as possible, such as what happened, each person's actions, the dates, locations, any injuries, and any medical or other services sought. Also describe any history of abuse, with as much of the above detail as possible.

On or about July 14th & 15th 2003, the Defendant John Kiernan

My husband told me he wished he could just cut my vocal cords so he never had to hear me again. My husband also held the door in my bedroom so I could not leave the bedroom. In the past my husband has punched me in the mouth and give me a fat lip. he has also pulled the phone cords out of the wall so I could not call the police or my friends for help.

If more space is needed, attach additional pages and check this box: ☐

I declare under penalty of perjury that all statements of fact made above, and in any additional pages attached, are true.

DATE SIGNED

7/16/03

PLAINTIFF'S SIGNATURE

x Heary Kiernan

WITNESSED BY

PRINTED NAME OF WITNESS

TITLE/RANK OF WITNESS

x

CONFIDENTIAL

COMPLAINT FOR PROTECTION FROM ABUSE
(G.L. c.209A) Page 1 of 2

TRIAL COURT OF MASSACHUSETTS

☐ BOSTON MUNICIPAL COURT☐ DISTRICT COURT☒ PROBATE & FAMILY COURT☐ SUPERIOR COURT

Name of Plaintiff (person seeking protection)

Heather K. Kinnear

Plaintiff's Address: DO NOT complete if the Plaintiff is asking the Court to keep it confidential. See K. 4 below.

Daytime Phone No. ()

If the Plaintiff left a former residence to avoid abuse, write that address here:

☐ I am over the age of eighteen.☐ I am under the age of eighteen, and

my (relationship to Plaintiff) has filed this complaint for me.

The Defendant ☐ is ☒ is not under the age of eighteen.

To my knowledge, the Defendant possesses the following guns, ammunition, firearms identification card, and/or license to carry:

Are there any prior or pending court actions in any state or country involving the Plaintiff and the Defendant for divorce, annulment, separate support, legal separation or abuse prevention? ☐ No ☒ Yes. If Yes, give Court, type of case, date, and (if available) docket no.

On or about (dates) July 14 + 15

On or about (dates)

☒ attempted to cause me physical harm☐ caused me physical harm☐ placed me in fear of imminent serious physical harm☐ caused me to engage in sexual relations by force, threat or force or duress

THEREFORE, I ASK THE COURT TO ORDER:

- ☒ 1. the Defendant to stop abusing me by harming, threatening or attempting to harm me physically, or placing me in fear of imminent serious physical harm, or by using force, threat or duress to make me engage in sexual relations unwillingly.
- ☒ 2. the Defendant not to contact me, unless authorized to do so by the Court.
- ☒ 3. the Defendant to leave and remain away from my residence which is located at:

If this is an apartment building or other multiple family dwelling, check here ☒☐ 4. that my address be impounded to prevent its disclosure to the Defendant, the Defendant's attorney, or the public.☒ Attach Request for Address Impoundment form to this Complaint.☒ 5. the Defendant to leave and remain away from my workplace which is located at:☐ 6. the Defendant to pay me \$_____ in compensation for the following losses suffered as a direct result of the abuse:

You may not obtain an Order from the Boston Municipal Court or a District or Superior Court covering the following item 7 if there is a prior or pending Order for support from the Probate and Family Court.

☐ 7. the Defendant, who has a legal obligation to do so, to pay temporary support for me.☒ 8. the relief requested on page two of this Complaint pertaining to my minor child or children.☐ 9. the following:☐ 10. the relief I have requested, except for temporary support for me and/or my child(ren) and for compensation for losses suffered, without advance notice to the Defendant because there is a substantial likelihood of immediate danger of abuse. I understand that if the Court issues such a temporary Order, the Court will schedule a hearing within 10 court business days to determine whether such a temporary Order should be continued, and I must appear in Court on that day if I wish the Order to be continued.

DATE

PLAINTIFF'S SIGNATURE

Please complete affidavit on reverse of this page

I, the undersigned, being duly sworn, depose and say that the foregoing is true and correct to the best of my knowledge and belief, and I declare under penalty of perjury that I am not a party to any criminal offense involving the Defendant, and I am not a party to any criminal offense involving the Plaintiff.

Subscribed and sworn to before me on this 11th day of July, 2005, at Boston, Massachusetts.

A T (9/95)

**COMPLAINT FOR PROTECTION
FROM ABUSE**
(G.L. c.209A) Page 2 of 2

COURT USE ONLY - DO NOT WRITE
DIR 377-107

TRIAL COURT OF MASSACHUSETTS



ISSUES PERTAINING TO CHILDREN

A. RELATED PROCEEDINGS. Is there any proceeding that the Plaintiff knows of or has participated in which is pending or has been concluded in any Court in the Commonwealth or any other state or country involving the care or custody of the child or children of the parties? ☒ YES ☐ NO
If Yes, the Plaintiff shall complete and file with this Complaint an Affidavit Disclosing Care or Custody Proceedings as required by Trial Court Uniform Rule IV, and provide copies of documents required by the Rule. This Affidavit and related information are available from the office of the Clerk-Magistrate or Register of Probate of the Court.

B. RELATED PROCEEDINGS. Are there any prior or pending court actions in any state or country involving the Plaintiff and the Defendant for paternity: ☐ YES ☒ NO

C. CUSTODY.

The Plaintiff may not obtain an Order from the Boston Municipal Court or a District or Superior Court for custody if there is a prior or pending Order for custody from the Probate and Family Court or Juvenile Court.

☒ I request custody of the following minor child or children of the parties:

NAME	DATE OF BIRTH	NAME	DATE OF BIRTH
MICHAEL KILMER	7-22-01		

D. CONTACT WITH CHILDREN. I ask the Court to order the Defendant not to contact the following child or children unless authorized to do so by the Court:

NAME	NAME

The specific reasons for this request are:

If the Plaintiff alleges that the Defendant has abused the above-named child or children, a separate Complaint may be filed on behalf of each child.

E. VISITATION. If the Plaintiff is filing this Complaint in the Probate and Family Court, the Plaintiff may request a Visitation Order. Such Orders are not available in other Courts. Regarding visitation, I ask the Court to

☒ permit visitation.

☒ order no visitation between the Defendant and our minor child or children.

☐ permit visitation only at the following visitation center: _____ (name)

to be paid for by _____ (name)

☐ permit only visitation supervised by _____ (name)
at the following times: _____ (name)

to be paid for by _____ (name)

☐ order visitation only if a third party, _____ (name), picks up and
drops off our minor child or children.

F. TEMPORARY SUPPORT.

The Plaintiff may not obtain an Order from the Boston Municipal Court or a District or Superior Court for temporary support if there is a prior or pending Order for support from the Probate and Family Court or Juvenile Court.

☐ I ask the Court to order the Defendant, who has a legal obligation to do so, to pay temporary support for any children in my custody.

DATE

PLAINTIFF'S SIGNATURE

July 16, 03 X [Signature]

LAW OFFICE

Aug. 1, 2005 3:03PM

ABUSE PREVENTION ORDER (G.L. c. 209A) Page 1 of 2		DOCKET NO. 01R0397-AB1		TRIAL COURT OF MASSACHUSETTS	
PLAINTIFF'S NAME Heather Kiernan		Defendant's Name and Address John Kiernan 47 Juniper Rd., Apt. B3 No. Attleboro, MA 02760		Alias, if any	
NAME & ADDRESS OF COURT Bristol Division Probate & Family Court 2nd fl, 11 Court Street Taunton, MA. 02780		Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F		Date of Birth 11/19/70	
		Mother's Maiden Name (First & Last) Suarez		Place of Birth Framingham	
		Father's Name (First & Last) Jack Kiernan		SS # 027-62-9992	
				Daytime Phone # ()	

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE punishable by imprisonment or fine or both.

A. THE COURT HAS ISSUED THE FOLLOWING ORDERS TO THE DEFENDANT: (only those items checked shall apply)

☒ This Order was issued without advance notice because the Court determined that there is a substantial likelihood of immediate danger of abuse.

☒ 1. YOU ARE ORDERED NOT TO ABUSE THE PLAINTIFF Plaintiff in fear of imminent serious physical harm, or

☒ 2. YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF in this section, either in person, by telephone, in person or for notification of court proceedings as permitted with someone else, and to stay at least 50 yards from the Plaintiff's residence, except as permitted in 8 below, for notification of court proceedings is permissible only by mail, or by

☒ 3. YOU ARE ORDERED TO IMMEDIATELY LEAVE located at IMPOUNDED also ORDERS you (a) to surrender any keys to that residence, (b) not to shut off or cause to be shut off any utilities, (c) not to possess that residence, except by appropriate law.

☒ If this box is checked, the Court also ORDERS you to immediately leave the family dwelling in which the Plaintiff's residence is located.

☐ 4. PLAINTIFF'S ADDRESS IMPOUNDED. The Court ORDERS that the address of the Plaintiff's residence is to be impounded by the Clerk-Magistrate or Register of Probate so that it is not disclosed to you, your attorney, or the public.

☐ 5. YOU ARE ORDERED TO STAY AWAY FROM THE PLAINTIFF'S WORKPLACE located at _____

☒ 6. CUSTODY OF THE FOLLOWING CHILDREN IS AWARDED TO THE PLAINTIFF:

N A M E	D O B	N A M E	D O B
Matthew Kiernan	2/22/01		

☒ 7. YOU ARE ORDERED NOT TO CONTACT THE CHILDREN LISTED ABOVE OR ANY CHILDREN IN THE PLAINTIFF'S CUSTODY EITHER PERSONALLY, by telephone, in writing or otherwise, either directly or through someone else, and to stay at least 50 yards away from them unless you receive written permission from the Court to do otherwise.

☒ You are also ordered to stay away from the following school, day care, other: location

N A M E	D O B	N A M E	D O B

☐ 8. VISITATION WITH THE CHILDREN LISTED IN SECTION 6 IS PERMITTED ONLY AS FOLLOWS (may be ordered by Probate and Family Court only):

☐ Visitation is only allowed if supervised and in the presence of _____ at the following times _____

☐ Transportation of children to and from this visitation is to be done by _____ to be paid for by _____ (third party), and not by you.

☐ You may contact the Plaintiff by telephone only to arrange this visitation.

☐ 9. YOU ARE ORDERED TO PAY SUPPORT for ☐ the Plaintiff and ☐ your child or children listed above, at the rate of \$ _____ per ☐ week or per ☐ beginning _____, 199 ☐ directly to the Plaintiff ☐ through the Probation Office of this Court ☐ through the Massachusetts Department of Revenue ☐ by income assignment.

☐ 10. YOU MAY PICK UP YOUR PERSONAL BELONGINGS in the company of police at a time agreed by the Plaintiff.

☐ 11. YOU ARE ORDERED TO COMPENSATE THE PLAINTIFF for \$ _____ in losses suffered as a direct result of the abuse, to be paid in full on or before _____, 199 ☐ directly to the Plaintiff ☐ through the Probation Office of this Court.

☒ 12. THERE IS A SUBSTANTIAL LIKELIHOOD OF IMMEDIATE DANGER OF ABUSE. YOU ARE ORDERED TO IMMEDIATELY SURRENDER to the North Attleborough Police Department all guns, ammunition, gun licenses and FID cards. Your license to carry a gun, if any, and your FID card, if any, are suspended immediately.

☒ 13. YOU ARE ALSO ORDERED The Plaintiff may remove her personal belongings and that relating to the child in the company of a police officer

ABUSE PREVENTION ORDER
(G.L. c. 209A) Page 2 of 2

DOCKET NO.
01R0397-AB1

T. L. COURT OF MASSACHUSETTS

14. Police reports are on file at the _____ Police Department.

15. OUTSTANDING WARRANTS FOR THE DEFENDANT'S ARREST: _____ (DOCKET #s) _____ (PCF #) _____ Police

☒ 16. An imminent threat of bodily injury exists to the petitioner. Notice issued to North Attleborough Department(s) by ☐ telephone ☒ other by a copy of this order

☒ **B. NOTICE TO LAW ENFORCEMENT.**

1. An appropriate law enforcement officer shall serve upon the Defendant in hand a copy of the Complaint and a certified copy of this Order (and Summons), and make return of service to this Court. If this box is checked ☐ service may instead be made by leaving such copies at the Defendant's address shown on Page 1 but only if the officer is unable to deliver such copies in hand to the Defendant.

☒ 2. Defendant Information Form accompanies this Order.

☐ 3. Defendant has been served in hand by the Court's designee: Name _____ Date _____

DATE OF ORDER 9/18/01 TIME OF ORDER 2:50 ☐ A.M. ☒ P.M. EXPIRATION DATE OF ORDER 10/2/01 at 4 P.M.

NEXT HEARING DATE: October 2, 2001

at 9:00 ☐ A.M. ☒ P.M. in Courtroom New Bedford

SIGNATURE/NAME OF JUDGE Robert Cant

The above and any subsequent Orders expire on the expiration dates indicated. Hearings on whether to continue and/or modify Orders will be held on dates and times indicated.

☒ **C. PRIOR COURT ORDER EXTENDED.**

After a hearing at which the Defendant ☒ appeared ☐ did not appear, the Court has ORDERED that the prior Order dated 9/18/01 shall continue in effect until the next expiration date below ☐ without modification

☐ with the following modification(s): Paragraph 7 is modified and Paragraph 8 is included to permit visitation as per the stipulation attached

☒ Return of items ordered surrendered or suspended in A.12. on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER 10/2/01 TIME OF ORDER 11:30 ☐ A.M. ☒ P.M. EXPIRATION DATE OF ORDER 10/11/02 at 4 P.M.

NEXT HEARING DATE: 10/11/02

at 9:00 ☐ A.M. ☒ P.M. in Courtroom New Bedford

SIGNATURE/NAME OF JUDGE Courtn Meece

Courtn Meece, Esq., Plaintiff's Attorney

☒ **D. FURTHER EXTENSION.**

After a hearing at which the Defendant ☒ appeared ☐ did not appear, the Court has ORDERED that the prior Order dated 10/2/01 shall continue in effect until the next expiration date below ☐ without modification

☒ with the following modification(s): Items # 2 and 3 deleted; item # 9 added, all per terms of agreement of this date.

☒ Return of items ordered surrendered or suspended in A.12. on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER 10/22/01 TIME OF ORDER 1:00 ☐ A.M. ☒ P.M. EXPIRATION DATE OF ORDER 10/1/02 at 4 P.M.

NEXT HEARING DATE: 10/1/02

at 9:00 ☐ A.M. ☒ P.M. in Courtroom New Bedford

SIGNATURE/NAME OF JUDGE Robert Cant

Robert Cant, Esq., Plaintiff's Attorney

☐ **E. PRIOR COURT ORDER MODIFIED.**

Upon motion by the ☐ Plaintiff ☐ Defendant and after a hearing at which the Plaintiff ☐ appeared ☐ did not appear and the Defendant ☐ appeared ☐ did not appear, the Court has ORDERED that the prior Order dated _____, 199____ shall be modified as indicated below:

☐ Return of items ordered surrendered or suspended in A.12. on Page 1 presents a likelihood of abuse to the Plaintiff.

DATE OF ORDER _____ TIME OF ORDER _____ ☐ A.M. ☐ P.M. EXPIRATION DATE OF ORDER _____ at 4 P.M.

NEXT HEARING DATE: _____

at _____ ☐ A.M. ☐ P.M. in Courtroom _____

SIGNATURE/NAME OF JUDGE _____

☐ **F. PRIOR COURT ORDER VACATED.**

This Court's prior Order is vacated. Law enforcement agencies shall destroy all records of such Order.

☐ VACATED AT PLAINTIFF'S REQUEST.

SIGNATURE/NAME OF JUDGE _____

DATE OF ORDER _____ TIME OF ORDER _____ ☐ A.M. ☐ P.M.

at _____ ☐ A.M. ☐ P.M. in Courtroom _____

WITNESS - FIRST OR CHIEF JUSTICE _____

Register _____

A true copy, attest (Asst.) Clerk Magistrate/ (Asst.) Register of Probate

CONFIDENTIAL

COURT COPY